

A SKETCH
OF THE SPEECH OF THE
HON. THOMAS ERSKINE,

DELIVERED IN THE
COURT OF KING'S BENCH,
BEFORE
LORD CHIEF JUSTICE KENYON,

On Saturday, June the 24th.

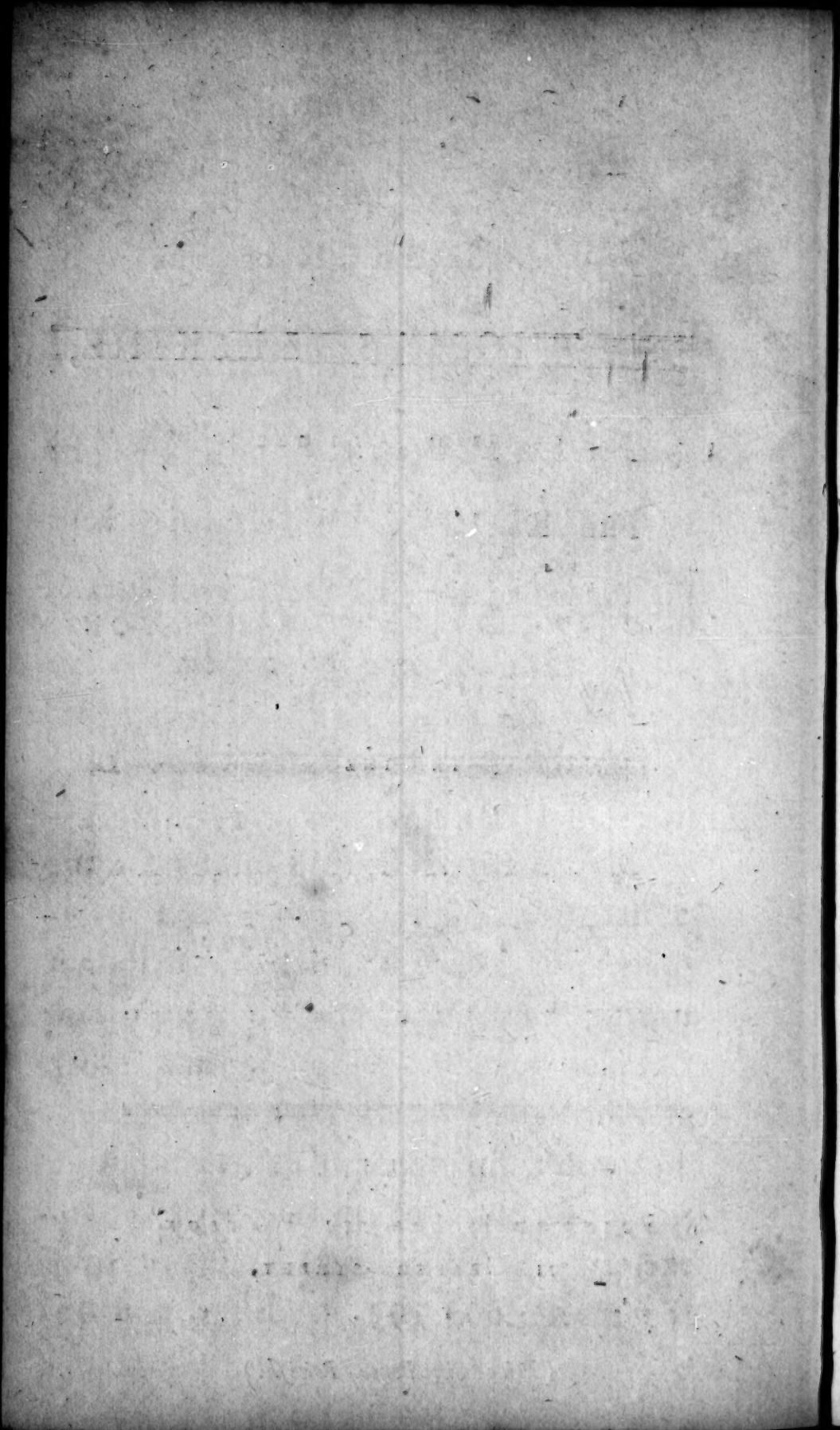
IN THE
TRIAL OF WILLIAMS, FOR PUBLISHING
THE FIRST AND SECOND PART OF

Paine's Age of Reason:
WITH THE SUBSTANCE OF HIS DEFENCE.

DUBLIN:

PRINTED by SAMUEL WATSON,
71 GRAFTON-STREET,
1797.

(Price Six Pence British.)



Court of KING'S BENCH, Saturday June, 24th

THE KING v. WILLIAMS,
For Publishing the First and Second Part of
Paine's Age of Reason.

MR. ERSKINE, as Counsel for the prosecution, began a long and comprehensive speech by stating, that, not having the honor to be sworn as Council for the King, it had much oftener fallen to his lot to defend indictments for libels than to assist in the prosecution of them; that nevertheless, he felt no embarrassment from the recollection of his former, and frequent

quent duties; the principles which he had always laid down in defending others, he should rigidly adhere to in the prosecution of this defendant.—he then proceeded,

THE Liberty of the Press is of the highest importance to mankind : its liberal and unlicensed freedom has led to all the blessings both of Religion and Government which Great Britain enjoys ; and indeed, a free press never can exist any where without (subject to the laborious process of all human improvements) bringing the world to a higher pitch of civilization and happiness.

MR. ERSKINE then defined the principles and limits of the press, both as they depended upon sound policy, and upon the particular law of England ;
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and cited several authorities to establish, that though, controversial points of divinity might be the legal subject of discussion, and though even profound and complicated reasonings, which in their conclusions might touch many of the tenets of the Christian Church, were admissible, yet that the utter denial of the existence of Christianity, much more, a grossly indecent invective upon the whole of its doctrines, and a mockery of all its Evidences had ever been held to be a high misdemeanour, and punished as a disgraceful and infamous offence.

THOUGH the law, (says he) as I have stated it, and which is settled beyond all question, is enough to bind the consciences of the Jury, yet, upon a subject so momentous to the public, I think it my duty to explain its principles,

ciples, that the people might feel, that instead of being unjustly bridled by its restraints, and kept in ignorance by its prohibitions, the weak and simple are protected against the artifices of wickedness, whilst all that reason could collect for sincere and enlightened reflection was left open for meditation and controversy.

For myself, I am devoted to the truths of the Christian religion, not from the prejudices of education, though I have been religiously educated by the best of parents, but from the reflection of my riper years and understanding ; it is the great consolation of my life ; and without it I should consider the long course of my health and prosperity too long, and too uninterrupted to be perhaps good for any man, as the dust which the wind scatters,

scatters, and rather a snare than a blessing.

THE religious and moral sense of the people of Great Britain is the great anchor which alone can hold the vessel of the State amidst the storms that agitate the world ; and if I could believe for a moment that the mass of the people were to be debauched from the principles of religion, which forms the true basis of that humanity, charity, and benevolence that has been so long the national characteristic ; instead of mixing myself, as I some times have done, in political reformati-
 ons and abuses complained of in our own wise establishment, I would rather retire to the uttermost corner of the earth to avoid their agitation, and would bear not only the imperfections and abuses complained of in our own wise establishment, but even the worst government that ever existed in
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the world, rather than go to the work of reformation with a multitude set free from all the restraints and duties, and disrobed of all the charities of Christianity, who had no sense of God's existence but from Mr. Paine's observation of nature, which the mass of mankind had no leisure to contemplate, nor any belief of future rewards and punishments to animate the good in the glorious pursuit of human happiness, nor to deter the wicked from destroying it even in its birth; But I know the the people of ENGLAND better, they are a religious people, and, with the blessing of God, as far as is in my power, I will lend my aid to keep them so.

I have no objections to the freest and most extended discussions upon doctrinal points of the *Christian religion*; and, though the Law of England did not permit

permit it, I should not dread the reasoned arguments of Deists against the existence of *Christianity* itself, because, as was said by its Divine Author, if it was of God it would stand. An intellectual book, however erroneous, addressed to the intellectual world upon so profound and complicated a subject could never work the mischief which this indictment was calculated to repress. Such works would only employ the minds of men enlightened by study to a deeper investigation of a subject well worthy of their deepest and continued contemplation.

THE powers of the human mind were given for human improvement and refinement in the awful and mysterious career of human existence. The changes produced by such reciprocations of lights and intilligences were certain in

their progression, and made their way imperceptibly, as conviction came upon the world by the final and irresistible power of truth.

IF Christianity be founded in falsehood, let us become Deists in this manner; I am contented. But this book has no such object, and no such capacity: on the contrary, it treats the faith and opinions of the wisest, with the most shocking contempt, and stirs up men without the advantages of learning to a total and absolute disbelief of every thing hitherto held sacred, and consequently to a rejection of all the laws and ordinances of the State, which stand only upon the assumption of their truth.

IF this were to be permitted, how, in God's name, is the justice of the country

try to be administered? Why should I submit to the authority of the Court, or address twelve of my equals, as I am now addressing the Jury, to pass sentence upon their neighbour? Under what sanctions, I ask, are the witnesses to give their testimony? and I might even ask the King himself, by what authority he could command the execution of the sentence?

THE whole judicial fabric is built upon the solemn oaths of every one of its members to administer justice, as God should help them hereafter—What God? that God, undoubtedly, who has commanded Kings to rule, and Judges to judge, in justice—who has forbidden men from false testimony against their neighbours, and who has enforced these commandments by the revelations of the unutterable blessings which shall attend
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their observance, and the awful punishments which shall await their transgressions.

THE book appears to me to be as cruel and mischievous in its effects, as it is illegal in its principles. The poor whom it affects to pity, are stabbed to the heart by it; they have more need of consolations beyond the grave than those who have greater comforts to render life delightful. I can conceive an humble, innocent, and virtuous man, surrounded by his children looking up to him for bread—which he has not to give them, sinking under the last day's labour, and unequal to the next, yet still looking up with confidence to the hour when all tears shall be wiped from the eyes of affliction, and bearing the burthen which he believes his Creator has laid upon him for good in the

the mysterious dispensations of a Providence which he adores. What a change in such a mind must not be wrought by this merciless publication!

BUT it seems this is an Age of Reason, and the time and the person are arrived that are to dissipate the errors which has overspread the past generation of ignorance. The believers in Christianity are many; but it belongs to the few that are wise to correct their credulity. Belief is an act of reason, and superior reason may therefore dictate to the weak.

IN running the mind through the long list of sincere and devout Christians, I can't help lamenting that NEWTON has not lived to this day, to have his shallowness filled up with this new flood of light. But the subject is too awful for irony;
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will speak plainly and directly: NEWTON was a Christian; NEWTON, whose mind had burst from the fetters cast by nature upon our finite conceptions; NEWTON, whose science was truth, and the foundation of whose knowledge of it was philosophy—not those visionary and arrogant presumptions which too often usurp its name, but philosophy resting upon the basis of mathematics, which like figures cannot lie; NEWTON, who carried the line and rule to the uttermost barriers of creation, and explored the principles by which, no doubt, all created matter is held together and exists.

BUT this extraordinary man in the mighty reach of his mind, overlooked perhaps the errors which a more minute investigation of the created things on this earth might have taught him of the essence of his Creator.

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WHAT shall then be said of the great Mr. BOYLE, who looked into the organic structure of all matter, even to the inanimate substance which the foot treads on? Such a man might be supposed to be equally qualified with Mr. Paine to *look through Nature, up to Nature's God*: but the result of all his contemplation was the most confirmed and devout belief in all which the other holds in contempt, as despicable and driveling superstition.

BUT this error might perhaps arise from a want of due attention to the foundations of human judgment, and the structure of that understanding which God has given us for the investigation of truth.

LET that question be answered by Mr. LOCKE, who was, to the highest pitch

pitch of devotion and adoration, a Christian. Mr. LOCKE, whose office was to detect the errors of thinking, by going up to the fountains of thought, and to direct into the proper track of reasoning the devious mind of man, by shewing him its whole process, from the first perceptions of sense to the last conclusions of ratiocination, putting a rein besides upon false opinion by practical rules for the conduct of human judgment.

BUT these men were only deep thinkers, and lived in their closets, unaccustomed to the traffic of the world, and to the laws which practically regulate mankind.

GENTLEMEN, in the place where we now sit to administer the justice of this great country, above a century ago,
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the never to be forgotten Sir MATTHEW HALE presided, whose faith in Christianity is an exalted commentary upon its truth and reason, and whose life was a glorious example of its sweets, administering human justice with a wisdom and purity, drawn from the pure fountain of Christian dispensation, which has been, and will be in all ages, a subject of the highest reverence and admiration.

BUT it is said by the author, that the Christian Fable is but the tale of the more antient superstitions of the world, and may be easily detected by a proper understanding of the mythologies of the Heathens. Did Milton understand those mythologies? Was he less versed than Mr. Paine in the superstitions of the world? No! they were the subject of his immortal song—and, tho' shut out from all recurrence to them, he poured them

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forth from the stores of a memory rich with all that men ever knew, and laid them in their order as the illustration of that real and exalted Faith, the unquestionable source of that fervid Genius, which cast a sort of shade upon all the other works of man—

“ He passed the bounds of flaming space,
 “ Where Angels tremble while they gaze,
 “ He saw, till blasted with excess of light
 “ Closed his eyes in endless night.

BUT it was the light of the body only that was extinguished; “The celestial light shone inward and enabled him to vindicate the ways of God to Man.” The result of his thinking was nevertheless not the same as the author’s. The mysterious incarnation of our blessed Saviour, which this work blasphemes in words so wholly unfit for the mouth of a Christian, or for the ear of a Court of Justice, that I durst
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not, and will not give them utterance, Milton made the grand conclusion of the *Paradise Lost*, the rest from his finished labours and the ultimate hope, expectation, and glory of the world.

“ A Virgin is his Mother,
 “ But his Sire the power of the Most High ;
 “ He shall ascend the Throne Hereditary,
 “ And bound his reign with Earth’s wide bounds,
 “ His glory with the Heavens.

MR. KYD made a long and able defence for his Client. He stated the embarrassment which the subject presented, but reminded the Court and Jury of the freedom of discussion which the indictment justified and compelled. He explained the etymologies of blasphemy, profaneness, and impiety, which the indictment charged on the Defendant, and which the Crown was bound to establish as existing in the book. He read passages

passages to shew the author's reverence for the Supreme Being, and the arguments for his unity; and shewed, that in denying the existence of revelation, he did not mean to dishonour God, as he shewed that the law of nature was a revelation set up in every man's heart, and the creation a volume where she might collect his duties. He endeavoured to vindicate the charges made upon the Bible by the author, by passages which he proposed to select for that purpose, but which, at the desire of the Court and Jury, he did not read, but referred to the pages, and named the transactions in the Historians of the Old Testament, as indecent and immoral. He insisted upon the free right of controversy, and cited the opinions of many great Divines, particularly Dr. Lardner, upon the subject.

MR. KYD

MR. KYD spoke with severe reprehension of the prosecution, as the publication for which the printer was indicted, would never have existed but for Bishop Watson's Apology, the large circulation of which had excited a curiosity to read the book to which it was an answer, and that to gratify public curiosity the book in question was published.

WITHOUT a free press (he said) we could have had no Reformation; and it appeared difficult to distinguish an attack upon that which formed the particular establishment of the national Church, and that entire religion on which it was founded.

IF the author, *bona fide*, wrote as he believed, on the subject, both appeared to be legal or illegal; upon the
same

same principle, if either were illegal, both may be so, yet the legality of controversy had been admitted in all the cases in the books. Mr. Kyd made many other observations.

MR. ERSKINE replied at considerable length; and taking for examples several of the passages in the Bible selected by Mr. Kyd, explained the reason of their introduction into Scripture.

THE Scriptures (he said) is a history of man's vices and passions; his vices and passions could not be rebuked without adverting to their existence; and many of the instances selected, were recorded as memorable warnings and examples to mankind for their instruction. The Jewish history was, besides, in many parts connected with that stupendous scheme of prophecy which formed

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one of the most unanswerable arguments for the truths of Christianity.

It is not the purpose of God to destroy free agency by overpowering the human mind with the irresistible light and conviction of revelation, but to leave men to collect its truths, as they are gradually illustrated in the accomplishment of the divine promises of the Gospel.

I DECLARE, that bred as I am to the consideration of evidence, I consider the prophecy concerning the destruction of the Jewish nation to be, even if there were nothing else to support Christianity, absolutely irresistible; the Jews themselves do not deny the existence of the prophecies, and their very history is not accountable for, on any human principle.

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THEIR separation into tribes, to preserve the genealogy of CHRIST; the distinction of the tribe of Judah, from which he was to come; the fall of that distinction, when that end was accomplished; the predicted departure of the scepter from Israel; the destruction of the Temple which imperial munificence in vain attempted to rebuild to disgrace the prophecy; the scattering of this nation over the face of the whole earth; the spreading of the Gospel throughout the world; the persecution of its true ministers, and the foretold superstitions which has for ages defiled its worship, are facts which no man can by argument do away, and which certainly no Christian State ought to tolerate a man in the impudent mockery of, without any argument at all.

MR. ERSKINE spoke with high respect

spect of Bishop Watson, and also of Mr. Mackintosh, and concluded with a vindication of the learned and pious authors of the prosecution, who were entitled to the public gratitude for their exertions in the cause of religion and virtue.

LORD KENYON ratified the doctrines laid down by the Counsel for the prosecution, the propriety of which he vindicated and applauded.—He expressed his own firm conviction of the truth of Christianity, in a very solemn and affecting manner; and having expounded the law to the Jury, left the whole to their serious and impartial consideration.

THE Jury instantly found the Defendant,

GUILTY.

speech of Bishop Wilson, and also of Mr. Mackinnon, and concluded with a vision of the church and pious studies of the protestant, who were entitled to the public gratitude for their exertions in the cause of religion and virtue.

Lord Kenyon raised the objection laid down by the Council for the protection of the property of which he was elected and appointed. He expected his own contribution of the truth of Christianity, in a very solemn and affecting manner, and having expounded the law to the jury, left the whole to their serious and impartial consideration.

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